

DOCKET NO. 3:04-cr-00115-MOC-DCK

Vs.

Defendant(s).

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

THIS MATTER is before the court on a letter from a physician's assistant seeking defendant's release so that he can visit his father, who is suffering from a terminal illness. While this court would be inclined to grant such a request in most cases, this defendant has not only failed to abide by the technical rules while on supervised release, he appears to now be engaged in serious criminal conduct, making a furlough impossible.

After serving his sentence for a controlled substance violation, defendant began service of his period of supervised release. His supervised release was previously revoked on 1/26/12. He was placed in the U.S. Probation Office's facilitated Moral Reconciliation Program, but was unsatisfactorily discharged due to excessive absences. Mr. McClurkin was then released to his second term of supervision on 1/28/2012. After being returned to supervision, defendant was charged with Assault and Battery in Mecklenburg County, and his supervision was increased. Now, for a third alleged violation, Mr. McClurkin has allegedly violated his terms of supervision again based on a serious drug charge acquired while traveling out of the state without permission. Not only does defendant pose a serious threat to the community, it appears that he is

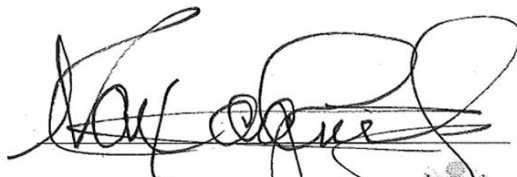
unwilling to abide by rules requiring his presence in this district and therefore also poses a flight risk.

While the court understands that defendant's father would like to see defendant in his final days, it simply cannot be accomplished through release of defendant into the community.

ORDER

IT IS, THEREFORE, ORDERED that to the extent relief is sought in such letter, the request is DENIED.

Signed: July 1, 2014



Max O. Cogburn Jr.
United States District Judge